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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CITYR GROUP HOLDINGS LIMITED  
LIABILITY COMPANY,

Plaintiff,

v.

TZVI JOSHUA, YISHA GREEN, and JOHN  
DOE 1 TO 5,

Defendants.

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***NOTICE OF REMOVAL  
OF ACTION UNDER  
28 U.S.C. §1441 (DIVERSITY)***

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

**PLEASE TAKE NOTICE** that defendant Tzvi Joshua hereby removes to the United States District Court for the Southern District of New York the state court action described below.

1. On October 21, 2016, an action was commenced in the Supreme Court of the State of New York in the County of New York entitled CityR Group Holdings Limited Liability Company, *plaintiff* v. Tzvi Joshua, Yisha Green, and John Doe 1 to 5, *defendants*, with Index Number 158906/2016 (the “**State Court Action**”). A true and accurate copy of the Summons With Notice, filed with the New York County Clerk on October 21, 2016, is attached hereto as **Exhibit “A”**.

2. Plaintiff has not filed or served a complaint in the State Court Action. A true and accurate copy of the docket in the State Court Action, as of January 17, 2017, is attached hereto as **Exhibit “B”**.

3. On December 19, 2016, Lorraine Aponte, a process server engaged by CityR

Group Holdings Limited Liability Company (“**Plaintiff**”), affixed a copy of a Notice of Commencement of Action Subject to Mandatory Electronic Filing and a Summons With Notice to an entry door of an apartment building located at 275 South 7<sup>th</sup> Street, Newark, New Jersey 07103 (the “**Premises**”). A true and accurate copy of an Affidavit of Service, filed with the New York County Clerk on December 28, 2016, is attached hereto as **Exhibit “C”**.

4. No responsive pleadings have been served in the State Court Action, and the time within which to do so has not expired. This notice is being filed within 30 days after Tzvi Joshua’s receipt of the Summons With Notice, thus this Notice of Removal is timely filed in this Court. See Exhibit B.

5. The State Court Action is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs. This Court, therefore, has original jurisdiction over this action under 28 U.S.C. § 1332, and the action is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. §1441.

6. Plaintiff CityR Group Holdings Limited Liability Company is a limited liability company organized under and by virtue of the laws of the State of New Jersey, having a business office at 141 Ayers Court, Teaneck, New Jersey 07666.

7. When the Summons With Notice was filed, Defendant Tzvi Joshua<sup>1</sup> was, and still is, a citizen of the Country of Israel. Defendant Tzvi Joshua is also a citizen of the United States,

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<sup>1</sup> “Yisha Green” is a name that Defendant Tzvi Joshua has used. Yisha Green is fictitious person that should not be considered for the purpose of determining whether removal is appropriate under 28 U.S.C. § 1332.

but he is not domiciled in the United States.

8. Defendant Yisha Green does not exist and therefore cannot be an impediment to the removal of the State Court action to this Court.

9. Removal is proper under 28 U.S.C. §1441.

10. Pursuant to 28 U.S.C. §1446, a copy of this Notice of Removal will be served promptly upon Plaintiff and will promptly be filed with the New York County Clerk.

Dated: January 18, 2017

**MEYNER AND LANDIS LLP**  
Attorneys for Defendant  
*Tzvi Joshua*

By: s/ Eric Holmes  
Eric Holmes (EH2013)  
One Gateway Center, Suite 2500  
Newark, New Jersey 07102  
(973) 602-3451  
[EHolmes@Meyner.com](mailto:EHolmes@Meyner.com)

**New York Address**  
90 Park Avenue  
17<sup>th</sup> Floor  
New York, New York 10016  
(516) 683-0171

To: David N. David, Esq.  
AKERMAN, LLP  
666 Fifth Avenue, 20th Floor,  
New York, New York, 10103  
Attorney for Plaintiff  
*CityR Group Holdings Limited Liability Company*